

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

In Re:) 3:08-cv-0361-ECR (VPC)
ZEBULON JACKSON HANNAH.)

EDUCATIONAL INSTITUTIONS,)
Plaintiffs,)
REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

I. BACKGROUND, DISCUSSION & CONCLUSION

13 On June 30, 2008, plaintiff *in pro se* filed certain papers with the clerk thereby initiating a
14 civil action in this court (#1). Plaintiff failed to pay the filing fee or file a request to proceed *in*
15 *forma pauperis*. On July 3, 2008, the court ordered plaintiff to either pay the \$350 filing fee or file
16 a complete application to proceed *in forma pauperis* on or before August 1, 2008 (#3). The court
17 cautioned plaintiff that failure to either pay the filing fee or file a completed application to proceed
18 *in forma pauperis* would result in a report and recommendation to the District Court that this case
19 be dismissed. *Id.*

20 To date, plaintiff has failed to pay the required filing fee and has not requested additional
21 time in which to do so. Additionally, all mail sent to plaintiff by the clerk has been returned as
22 undeliverable (#4 & #5). Therefore, this court recommends that plaintiffs' case be **DISMISSED**
23 without prejudice.

24 || The parties are advised:

25 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the
26 parties may file specific written objections to this report and recommendation within ten days of
27 receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and
28 Recommendation” and should be accompanied by points and authorities for consideration by the
District Court.

2. This report and recommendation is not an appealable order and any notice of appeal
pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

II. RECOMMENDATION

4 IT IS THEREFORE RECOMMENDED that the district court enter an order
5 DISMISSING plaintiff's complaint without prejudice.

6 DATED: September 26, 2008.

Valerie P. Booke

UNITED STATES MAGISTRATE JUDGE
